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Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking

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Abstract This article criticizes the ‘ethnic’ conception of organized crime and puts forward an alternative view that does not put ethnicity first, but rather social networks and situational context. It focuses upon Chinese organized crime, a phenomenon where the preoccupation with ethnicity is paramount, and compares findings from extensive research into two different transnational criminal activities that are carried out by Chinese offenders in the Netherlands. The first topic, human smuggling, is well researched, whereas research into the second topic, trafficking in precursors (the basic ingredients for the production of synthetic drugs), is largely lacking. The article highlights the major theoretical and empirical similarities and differences between these two criminal activities and discusses the relevance of the main findings for theory and research.

Introduction

Both in the media and in the criminological literature, the ‘ethnic’ conception of organized crime is dominant. Ethnicity and organized crime seem to be inextricably linked. Ethnicity seems to be the key to determining group membership in organized crime, distinguishing between, for instance, Italian organized crime, Chinese organized crime, Russian organized crime, and so forth, and is the primary focus of many ‘ethnic’ explanations of organized crime phenomena (for an overview, see e.g. [6]). This ‘ethnic’ conception of organized crime bears at least three different dimensions. First, generalizations are made regarding organizational structure, often related with claims of links with well-known pyramid-shaped organizations in the countries of origin, most notably the Sicilian Mafia, Chinese Triads, Japanese Yakuza, and Russian ‘vor v zakone’. Second, ethnic homogeneity and ethnic closure are emphasized, and ethnic heterogeneity and inter-ethnic cooperation are neglected. Third, ideas of ‘ethnic specialization’ tend to identify

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particular ethnic groups with particular crimes. The emphasis on ethnicity produces a kind of ‘lock-in effect’. It becomes increasingly difficult to break away from these ethnic preconceptions, as they are easy to use and seem, at first sight, to explain a lot.

In this article, we put forward an alternative view that does not put ethnicity first, but rather social networks and situational context. We use the example of Chinese organized crime, a phenomenon where the preoccupation with ethnicity is paramount. We compare research findings on two different transnational criminal activities that are carried out by Chinese offenders in the Netherlands. One of these criminal activities, human smuggling, is well researched (for an overview, see [49]). Conversely, research on trafficking in precursors, the basic ingredients for the production of synthetic drugs, is largely lacking. Furthermore, buying, selling, and trafficking chemicals might involve different mechanisms than a service-oriented activity such as human smuggling. Section 2 outlines the theoretical framework for the present research. Section 3 describes the main data sources used for this analysis. Section 4 provides more background information on human smuggling and precursor smuggling. Sections 5 and 6 highlight the major empirical similarities and differences between these two different criminal activities. The final section discusses the main findings and their relevance for theory and research.

Theoretical framework

The literature on Chinese organized crime seems to echo the discussion on the Italian-American Mafia. Cressey [9] sketched a picture of pyramid-shaped bureaucracies and was fiercely criticized [3, 17, 36, 38]. Much of this criticism was justified. However, over time this criticism, together with the rise in popularity of the term ‘disorganized crime’, seems to have led to a shared idea among some researchers that well-structured organizations do not exist, and may never have existed at all. With the benefit of hindsight, one may conclude that well-structured organizations did indeed exist in the United States [19, 20], as is true of the well-known Italian Mafia in Italy [31]. This does not preclude, however, the emergence of many small, ephemeral criminal groups in competitive criminal markets, most notably (international) drug markets. This is well documented by a collection of reviews of organized crime research in European countries [13].

Research on Chinese organized crime follows more or less the same pattern, although with less intense criticism. For years, Inspector Morgan’s portrayal of the structured nature of Chinese Triads in Hong Kong [29] was viewed as the ‘blue print’ for Chinese crime. Only recently has research corrected the traditional image of rigid organizations. While such organizations did exist [42, 46], Zhang and Chin [50] proposed a ‘structural deficiency perspective’ to explain why traditional Chinese crime syndicates have not seized upon the opportunities of transnational criminal activities. As these syndicates and their traditional racketeering activities—such as gambling, prostitution or loan sharking—are geographically constrained, they are not well suited to fluid transnational market conditions.¹ In an earlier paper,

¹ Paoli [31] makes similar remarks regarding international drug trafficking and geographically constrained Italian Mafia groups.

Zhang and Chin took a comparative view on organized crime groups in the human smuggling and heroin market and characterized Chinese criminal groups as “temporary business alliances” ([49]: 758).

A second emphasis in the literature relates ‘ethnic’ organized crime to ethnic homogeneity and ethnic closure. Generally, ethnic heterogeneity and inter-ethnic cooperation are denied or neglected, despite the fact that the literature presents several empirical examples of crime groups comprised of, or having substantial interactions with, individuals of various ethnic backgrounds (e.g. [1, 5, 6, 35]). Furthermore, Kleemans and Van de Bunt [24] demonstrated that criminal cooperation is not built so much on ethnicity as on social relationships between individuals. People cooperate because they are family, or because they originate from the same village. Often this means that they have the same ethnicity, as ethnicity affects social relations. Yet it does not preclude the involvement of people from other ethnic backgrounds. Finally, organized crime often involves transnational activities (e.g. drug trafficking, smuggling or trafficking of illegal immigrants, arms trafficking, trafficking in stolen vehicles, and other transnational illegal activities such as money laundering). These transnational activities add new dimensions to the relationship between ethnicity and crime, because offenders benefit from contacts between different nations and different ethnic groups [21, 22].

Third, ideas of ‘ethnic specialization’ tend to identify particular ethnic groups with particular crimes. For instance, Chinese criminals are often associated with human smuggling, Colombians are more or less equivalent with cocaine, and Nigerians with fraud. Although it may be true that a particular ethnic group is largely involved in one specific sort of crime, or is extremely well positioned for particular criminal activities (e.g. [32]), this does not preclude their involvement in different illicit activities. Each type of crime imposes different requirements and can be analyzed from a situational perspective (e.g. [8, 10, 11, 25, 37]). Different types of crime might be favorable to different kinds of criminal cooperation, as well as to the involvement of different ethnic groups or different nationalities. Such a situational analysis might shift our focus from the ethnic backgrounds of offenders to the opportunities and constraints of the environment, including licit society. In order to illustrate our line of reasoning, we will compare the research findings on two different types of criminal activities in which Chinese criminals are involved: human smuggling and trafficking in precursors. Instead of approaching these phenomena primarily from an ethnic perspective (with its potential pitfalls), we suggest that a better understanding of organizational structure and the role of ethnicity may be produced by analyzing social relations and actual crime settings.

Data

The empirical data are based on police investigations in the Netherlands. The bulk of information covered the period 1996–2003. This information was originally collected for research into Chinese human smuggling.² The database comprised

² For more information, see Soudijn [39].

data on 178 individual suspects who were brought to trial on Chinese human smuggling charges.

Where synthetic drugs and precursors are concerned, the main focus lies on the period 2004–2006. During this period, an investigation team of the Dutch National Crime Squad worked on a special program to disrupt the flow of prohibited chemicals (precursors) from mainland China and to target the Chinese groups involved. Over a 3 year period, the team collected information on more than a hundred Chinese suspects in the Netherlands and abroad. These data were interpreted by researchers of the National Crime Squad (for more information, see [15, 16]).

It is important to note that—compared to those in other countries—Dutch criminal investigations provide a great deal of ‘objective’ evidence on offender behavior. Most noteworthy is the use of wiretaps. Both in relative and in absolute terms, the use of intercepted telecommunications in the Netherlands is high. These telecommunications provide a great deal of insight into the way criminal activities are carried out, and how offenders collaborate. It is also important to point out that, in stark contrast to US investigations, Dutch cases do not make use of the very selective tool of plea bargaining. Furthermore, researchers in the Netherlands have access to the original police files and are able, to a large extent, to check the files themselves.

There are, of course, certain drawbacks to police files as research data. The files are compiled in the interest of criminal prosecution; they are not primarily collected for research purposes. Many data that would be relevant for social science research will therefore be absent, such as suspects’ backgrounds or motives. However, previous scientific studies of organized crime in the Netherlands do show that police files can have definite added value to academic research into organized crime (see for a review, for instance, [14, 21]). Perhaps one of the main reasons why police files are underutilized in academic research (other than the Netherlands) is simply the lack of access to these files by academic researchers and/or the lack of freedom to publish independently on results.

Finally, our findings should not be misinterpreted as findings from a representative sample. In organized crime research, a random sample of cases or suspects is inconceivable, as police priorities-highlighting certain criminal activities and certain suspects-provide the basis for any sample researchers should want to construct. Therefore, we refrain from quantitative statements and opt for a more qualitative way of describing our data. The size of our datasets should not seduce us to draw unwarranted quantitative conclusions. Yet, from a theoretical point of view, our findings may be very relevant in drawing attention to similarities, differences, underexposed phenomena, and mechanisms that are present in our datasets and go beyond incidental case studies.

Background: human smuggling versus synthetic drugs and precursors

The key to both human smuggling and precursor trafficking is the business of illicit international transport or ‘transit crime’ [21]. Both markets can be described as service markets. Human smugglers provide their services to those who are restricted

in traveling to their countries of choice. Similarly, synthetic-drug traffickers provide a service in distributing goods that are illegal, yet nevertheless in high demand. Both markets differ from local illicit markets in the transnational nature of the criminal activities involved: the main profit results from crossing international borders unnoticed.

Smuggling Chinese immigrants came to public attention in the early 1990s. In 1993, a Chinese human smuggling attempt failed desperately when the ‘Golden Venture’ freighter ran aground near New York. It turned out that 286 illegal Chinese immigrants were on board, and several of them drowned as they tried to swim ashore to evade customs officials. This incident prompted the US government to take action to stem human smuggling [45]. For European countries, the ‘Dover case’ was the main catalyst. In June 2000, a Dutch truck driver boarded a ferry to Dover (UK). When he arrived, custom officials discovered the bodies of 58 Chinese people in his truck; only two people had survived. The ensuing investigation unraveled a large human smuggling network. It also regenerated public awareness of human smuggling in general and smuggling Chinese in particular. Chinese human smuggling became known as a million dollar business. Chinese immigrants are willing to pay sums as high as USD 25,000 for transport to the UK, or up to USD 60,000 for transport to the US [27, 48]. Because human smugglers’ expenses are high, the end-profit is considerably lower [48].

The actual journey may involve a wide variety of possibilities. These journeys may have the appearance of legality, may be completely illegal, or may involve a combination of illegal and (apparently) legal travel. A completely illegal journey might involve people being smuggled out of China and arriving in Europe undetected, after crossing several countries hidden in a lorry. The other end of this spectrum comprises migrants applying for a visa to take part in, for instance, a European conference. The migrants, equipped with genuine passports, subsequently board a flight to Amsterdam, only to disappear after landing. Had their true intentions been known to the authorities, they would never have been granted a visa. Police investigations have shown that such activities are often coordinated by human smugglers. It is important to note that a substantial part of irregular immigration makes use of entirely ‘regular’ channels and procedures: tourist visas, business invitations, asylum systems, marriage fraud, and so forth.

In large-scale human smuggling cases, the Netherlands often acts as a transit country to the UK and the US. Those migrants who are caught often claim asylum in the Netherlands. Of course, some already have the Netherlands in mind as a destination country, particularly if they have family or friends living there (legally or illegally). Depending on the number of people to be smuggled, almost anybody can enter this market. Someone might lend his passport once a year to enable somebody else to travel as a look-alike. However, if people are to be smuggled by the dozen every month, a certain kind of organization is called for to facilitate such a large number of people. Such organizations often develop from successful small-scale human smugglers coping with growing demand.

Human *smuggling* should be distinguished from human *trafficking*. Human smuggling relates to illegal migration, and violating immigration laws. It is often a matter of mutual consent between smugglers and illegal immigrants. Conversely, human trafficking involves exploitation (e.g. forced prostitution) and violations of

personal freedom. Of course, human smuggling and human trafficking may be intertwined. If somebody assists in illegal border crossing and also engages in exploitation, this is clearly a case of trafficking. However, if there is no link between exploitation and preceding illegal migration, a distinction should be made between human smuggling and human trafficking, and between the people involved in these two different activities [23].

Generally, migrant communities do not regard smuggling illegal immigrants as a serious offence [41, 51]. On the contrary, smugglers are not viewed as criminals but as ‘service providers’, offering the opportunity to find a better future elsewhere. They break the law, yet in the eyes of illegal migrants (and their families) this is all for the greater good: the provision of a desired journey. Hence, human smuggling may be characterized as ‘co-production’: a combined effort of immigrants, their social environment and smugglers to circumvent immigration laws. Immigrants actively cooperate during illegal border crossing by knowingly using fake passports, or by keeping silent when hidden in the back of a truck. Human smugglers have a clear interest in keeping their clients satisfied, as satisfied customers and their families bring in new business. People often do not migrate as isolated individuals. Before, during and after the journey, migrants are supported by family, friends, and acquaintances. In their countries of origin, people help would-be migrants to accumulate smuggling fees and contact overseas relations in order to find places to stay and preferably places to work. As soon as migrants find a job, they will start sending money back home. These remittances provide incentives to send other relatives (chain migration). Satisfied customers will bring in new business for human smugglers.

Smuggling synthetic drugs and precursors is rather different. First, it is less socially accepted. Borders between legality and illegality are less fuzzy when drugs are involved, particularly hard drugs. Second, these activities—unlike human smuggling and illegal immigration—are not widespread in Chinese communities. Third, producers of synthetic drugs need large quantities of precursors, not something that just anybody can provide.

Like human smuggling, synthetic drugs came to public attention in the 1990s. Nowadays ecstasy is consumed worldwide, but a significant proportion of the production is concentrated in a few countries, most notably the Netherlands and Belgium. Between 2002–2006, the Netherlands was reported as the origin of 42% of the ecstasy seized worldwide ([43], 135), although percentages are under debate.³ The average production costs of an XTC-tablet amount to 56 Eurocents, while average selling prices in the Netherlands amount to 3.49 Euro. Selling prices are much higher in many other European countries, particularly in Norway and Italy (about 20 Euro per XTC-tablet), in most American cities and states (20–30 Euro), in Australia and New Zealand (about 30 Euro) and in Japan (25–50 Euro) ([26], 75–87).

China is in the unique position of being one of the few source countries of the essential ingredients for the production of certain synthetic drugs. PMK (piperonylmethylketon) is used for the production of MDMA (ecstasy), and BMK

³ UNODC reports that the importance of Europe, particularly the Netherlands and Belgium, as a source is declining as manufacturing continues to shift and spread (p.149). See also Blickman [4] for a discussion on worldwide figures.

(benzylmethylketon) for the production of amphetamine. PMK and BMK are commonly called precursors. Worldwide, the production of PMK is almost exclusively concentrated in the People's Republic of China. BMK is also produced in some former Eastern-bloc countries, although Chinese BMK is supposed to be of higher quality.

In large-scale synthetic drug trafficking cases, the Netherlands can be both a destination country and a source country. In the first case, precursors are shipped to the Netherlands, where they will be used to produce synthetic drugs. This spells the last stage of Chinese involvement, because production is commonly carried out by others. In the second case, some Chinese criminals export the fabricated synthetic drugs. They obtain methamphetamine or ecstasy from Dutch criminals, thus starting the first stage of a new smuggling process: the smuggling of illicit goods from the Netherlands.

Similarities

We start our analysis by focusing on similarities between human smugglers and precursor traffickers. It turned out that the people involved in these different types of criminal activity had distinct profiles but a clear social clustering based on geographical background and language. The Chinese provinces of Fujian and Zhejiang (particularly the districts Wenzhou and Rui'an) were an important background for human smugglers and their clientele. Telephone interceptions showed most smugglers used their native Wu and Min dialects when dealing with each other. They could also be heard using the official Mandarin dialect when smugglers from Fujian dealt with smugglers from Zhejiang. The same kind of clustering could be found in cases concerning synthetic drugs trafficking. In these cases, people predominantly spoke the Cantonese dialect, because almost all of them originated from Cantonese-speaking areas, such as Hong Kong and Guangdong Province (particularly the Shenzhen district). Both types of smugglers returned to their native districts from time to time to visit family and friends.

The suspects in both types of crime are truly transnational operators. On a regular basis, phone calls were made to dozens of contacts in other countries. Moreover, contact was not restricted to phone calls: the suspects were observed to travel to other places several times a year. In both types of crime, smugglers frequented mainland China, yet also visited countries as diverse as the United States, the United Kingdom, Canada, Australia, France, Belgium, and Eastern European countries. Such visits included illegal business. New illegal ventures were set up, or old ones were maintained.

Case. A human smuggler in the Netherlands used forged passports to put her clients on commercial flights from airports in Europe to the United States. The smuggler escorted small groups of Chinese persons to a commercial photographer living nearby. Next, these pictures were sent to a man in Thailand. He used them to forge the necessary passports, which were then mailed back using regular courier services.

Case. Intercepted telephone communications from Canada showed that suspect A was approached for help in establishing a drug laboratory in Vancouver.

Suspect A told suspect B he would send a chemical lab assistant. During another conversation with B, suspect A told him that the assistant had written 'it' down. A wanted 30%. Subsequently, B provided A with an address in Vancouver to send 'it' to. 'It' turned out to be a document with eight kinds of chemicals, all needed for the production of (meth)amphetamines.

Neither type of crime is exclusive to ethnic Chinese. In human smuggling, Dutch or British lorry drivers are approached to transport large numbers of migrants. The infamous Dover case is a prime example. The actual transportation of 60 migrants was carried out by a Dutch lorry driver. He was 'subcontracted' by people of Turkish ethnicity who were acting on Chinese requests. In the synthetic drugs market, native Dutchmen sought contact with Chinese in order to obtain chemicals that are produced in China. In other instances the Chinese criminals contacted Dutch producers in order to obtain ecstasy.

Such inter-ethnic cooperation hints at a certain flexibility in partnership. Police investigations over a longer period of time (e.g. 8 months) indeed showed that the human and synthetic drug smugglers did not restrict themselves to working exclusively for a specific person or group. Most telling are those cases in which the same shipment was used to transport people or goods for different customers. For instance, in human smuggling cases it was observed that migrants sometimes had numbers written on their hand in felt-tip pen. It turned out that according to the number on their hands, they belonged to different smuggling groups.

Case. A human smuggler in the Netherlands received several calls from four different smuggling groups in the Czech Republic. They passed on their clients to him. To prevent confusion, the migrants who were numbered 12, 15, and 16 belonged to smuggler X, numbers 24, 25, 26, and 27 to smuggler Y, and so forth. These migrants were to travel together for a particular leg of their smuggling journey, yet after arrival they would be split up.

According to the testimony of one suspect, in the failed Dover transport no less than fifteen different organizers were having their clients (60 in total) transported across the Channel simultaneously by one single smuggling group in Rotterdam. In another case, the seized accounts of a human smuggler showed that illegal migrants who placed telephone calls home were charged different phone rates depending on which organizer in China they were traveling with. Similarly, in some synthetic drugs cases a large container full of precursors was compiled of several smaller portions from different sources. For example, a shipment orchestrated by suspect A held 2,000 kg of precursors from one source and 3,000 kg from another source. Another shipment, destined for Hamburg, was compiled of three different sources. Other research has pointed out that combining shipments is a logical step. Zaitch [47], for instance, in his study of the cocaine smuggling business, concluded that the actual transportation of goods often formed a bottleneck. Only a few people were able to deliver the goods, and consequently others flocked to these people.⁴ Similar bottlenecks occur in the human and synthetic drug smuggling cases analyzed for the

⁴ This relates to the literature on brokerage positioning in organized crime (for an overview, see e.g. [44]; [30]).

present study. The crossing of the Channel is an obvious one. As the police files show, Chinese human smugglers in the Netherlands specialize in such projects. Shipping precursors from China to Europe is another bottleneck. Only a 'happy few' are able to orchestrate such shipments, in which thousands of liters are transported.

It should be borne in mind that such flexibility in partnerships does not preclude any long-term continuity. If a method has proven useful, it is used repeatedly. Very often the same persons or companies were involved over and over again. Therefore, any contacts with outsiders (e.g. people of other nationalities) were also quite stable. Even when operations were not successful (e.g. migrants or narcotics were intercepted by the Customs services), trust between partners was of paramount importance, and both would be on the look-out to continue their business using alternative solutions. This contrasts sharply with Zhang and Chin's picture of 'temporary business alliances' (we will elaborate on this point in the final section).

Finally, the role played by women is striking. Traditional ideas about crime often disregard their role (see, for example, [18, 51]). The only roles available to women are thought to be of a supportive nature or as victims. Certainly, the data from the Dutch police files show girlfriends who have no say in the proceedings. However, both in the cases of human smuggling and synthetic drugs trafficking, some Chinese women could also play a key role as organizers.

Case. A woman boasted on the telephone that she was able to successfully smuggle 160 people a year (not counting failures) by plane to the US. The investigation showed that this was no idle boast. On average she tried to transport 16 illegal Chinese a month. Because she handled such a large number of people, the smugglers involved in the Netherlands numbered at least 13, not counting her contacts in China, Thailand, the US, Spain, France, and the UK. These 13 people in the Netherlands took care of housing, food, transport, tickets, financial matters, and even grooming to make sure that the people to be smuggled looked the part of worldly 'Japanese' travelers.

Case. Intercepted telephone communications of suspect D showed that he maintained contacts with a woman in China. They talked about arranging the transportation of containers to Canada. The ensuing investigation showed that a container containing almost 2,000 L of BMK had been transported. It turned out that smuggler D and this woman were able to get the chemicals from the production source in Shenzhen.

Case. Suspect A often called a woman nicknamed 'big sister' (godmother) in Hong Kong to keep her abreast of all developments in the narcotics smuggling business, including precursors, ecstasy pills, and marijuana.

Differences

We now turn our attention to several differences. It stands to reason that the smuggling methods and routes will differ. People need air, for instance, whereas chemicals are better off not being exposed to oxygen. Furthermore, many differences occurred *within* the same crime market. Smuggling sixty people hidden in a cargo

container follows a very different logistical path from putting three people with fake passports on board of a commercial airline. However, looking beyond such operational matters, are there fundamental differences between human smugglers and precursor traffickers, as highlighted in our case studies?

First, it turns out that the two types of crime have different criminal profiles. Human smugglers are in their twenties or thirties, are recent émigrés from mainland China, and often use Mandarin to communicate (besides their native dialects). Synthetic drug smugglers, on the other hand, are in their forties or fifties, have been living in the Netherlands for quite some time, and hail from the Cantonese-speaking areas. Apparently, having the right background has an influence on the criminal's standing. In the human smuggling market, people from Hong Kong play only a subordinate role. In the synthetic drugs market, it is the people from Fujian or Zhejiang who do only menial jobs such as packing crates, not orchestrating routes.

Second, another noticeable difference is the smuggler's involvement in other types of crime. Most human smugglers just concentrate on smuggling people and do not display versatility. No evidence is found of selling migrants into prostitution. Often an investigating team started out with the assumption they would discover a cesspool of abuse, but this was never the case. In general, smuggled persons worked very hard in the illegal labor sector, which could sometimes be described as exploitation. However, there was no evidence that the smugglers were directly involved in such exploitation. Furthermore, in no single case did the smugglers use their trafficking routes for the (simultaneous) transportation of both narcotics and migrants. There was no evidence of the structural involvement of human smugglers in the drug trafficking business. Conversely, the people involved in the synthetic drugs market showed more versatility. The next case is a typical example:

Case. Suspect A was involved in all sorts of crime. He was involved with suspect E in an ecstasy transport to England, the procurement in China of 4,000 L of BMK for suspect F, the planning with suspects N, L, and P of smuggling ecstasy pills to Japan, the transportation of hash to England, and with C in the establishment of a methamphetamine laboratory in Canada. Furthermore, he could be heard talking about plans to import fake travel tickets and engage in cigarette smuggling.

Third, the police files show that the combination of a relatively older age bracket and higher versatility also contributes to precursor smugglers being more likely than human smugglers to have a criminal history, to be known to the Dutch authorities. For instance, in the 1980s and early 1990s, they were mostly involved in heroin smuggling. Quite a few also had a history of violence and some had even been involved in murder.

Fourth, in the world of synthetic drug smuggling, violence was an ever-present threat. In a 3 year period, four Chinese involved in the synthetic drug business were murdered, possibly in contract killings. Although these murders have never been solved, it was rumored that they had their origins in failed drug deals. In another instance, after a boatload of precursors had been intercepted by the authorities, one suspect (suspect H) was so terrified of being held accountable for the loss that he went into hiding. Another indicator of violence, or potential violence, is the confiscation of firearms and ammunition, in possession of several synthetic drug

smugglers. Conversely, human smuggling shows less violence between smugglers than is apparent between those active in the synthetic drugs market. Of course, some violence did occur, but this was not on a structural basis. Over an eight-year period, several beatings and three murders were recorded. However, nearly all the beatings were related to one group of smugglers. In one case, for instance, someone was held responsible for a financial loss and was ordered to pay compensation. When he failed to pay, he was kidnapped, tortured, and left for dead. However, it would be dangerous to make generalizations based on this specific case, because other smugglers did not display such behavior. Furthermore, the murders also had rather mundane explanations. One man was killed because of marital infidelity; two others were shot (one of whom was an innocent bystander) because of a violent fall-out between former friends.

Fifth, although both forms of crime involve people who are not ethnic Chinese, the manner of their involvement differs. In the human smuggling business, non-Chinese people can be characterized as contractors. The actual smuggling action is outsourced to them and the relationship remains purely instrumental. The Dutch drivers call the Chinese smugglers to inform them when they are ready, or are called upon to direct the smugglers to a certain place. The police investigations have shown that the drivers barely know more than the names of their contacts. Even more, the police files show that large-scale transports are often secretly accompanied by the Chinese without the Dutch drivers' knowledge. They follow the same route in a car and observe whether everything goes well. Another possibility is for them to cross over to the UK earlier and wait for the transport to arrive. Conversely, in the synthetic drugs market, the relationship between Chinese and non-Chinese is of a more symbiotic nature. The Chinese provide an essential ingredient or become a valued customer of the end-product. Some inter-ethnic collaboration even stretches years back and has developed in close cooperation.

Case. In 2005 ethnic Dutch buyer G traveled with Dutch-born Chinese T to Hong Kong. T acted as interpreter. They wanted to test the shipping line. A few months later, T went to Hong Kong again to make preparations to send a container. Suspects C, T, and another ethnic Dutch buyer G were also observed in an internet cafe looking for descriptions of harbors in Germany.

Sixth, a major difference concerns the structure of the smuggling groups. Large-scale police investigations into human smuggling showed the same persons carrying out the same tasks over a long period of time (i.e. several years). This continuity, coupled with the fact that the persons working together often lived near each other, made it possible to clearly distinguish smuggling groups. The smugglers involved in the synthetic drugs market seem to be more flexible. They co-operated for short periods of time with different persons in various criminal enterprises. The aforementioned versatility is also an indication of the lack of a consistent criminal organization. The synthetic-drug suspects were not only involved in transporting precursors from China, but were also active in other types of crime. They sometimes worked together, yet at other times they acted independently in different criminal projects. Suspect A is a good example: someone who was involved in dozens of criminal enterprises, and therefore took the police on a rollercoaster of divaricating investigations. Suspect A was no exception. Other Chinese synthetic drug smugglers

were also involved in different criminal projects. On the arrest of suspect T, for example, a search of the premises turned up approximately 90 kg of Asian heroin. The investigating team thought he was only involved in precursor smuggling and was willing to buy ecstasy tablets from ethnic Dutch criminals. At that time, the police had no idea of his heroin contacts.

We conclude this section with some remarks on the (possible) involvement of Triads. In the human smuggling cases, there was no indication of the involvement of any Triad groups, nor was any formal Chinese organization involved based on region, occupation or clan affiliation (also known in the US as 'Tongs'). During the investigations, such rumors were often shown to be absurd. One possible exception could be the case of a human smuggler romantically involved with someone said to have a Triad background. When this romance came to an end because of the imprisonment of his significant other, the suspect seems to have put a levy in place. The remaining smugglers had to pay him a certain amount for every person smuggled to the UK. This rather gives the impression of old-school racketeering: he would protect the smuggling business or non-payment would result in bodily harm [40]. In the synthetic drug market, the possibility of a Triad connection could not be precluded. According to four experienced police interpreters, some suspects were related to Triads, particularly the 14-K.⁵ One of the investigations showed a failed attempt to enter a Triad. Other (limited) evidence consists of intercepted telephone communications with Hong Kong which seemed to be related to Triadic contacts.

Discussion and theoretical implications

Having established that there are several similarities and differences, this final section discusses theoretical explanations and puts forward an alternative view that focuses not on ethnicity, but rather on social networks and situational context.

The difference between geographical backgrounds might be traced to accessibility. Studies on migration have shown that successful migrants stimulate imitation [28, 33, 34]. Visits back home combined with displays of wealth inspire those who stayed behind to seek their fortune abroad as well. Potential migrants ask family members, friends and acquaintances who have already migrated to provide support in the form of knowledge, capital or other assistance in arranging the journey, the stay or a job. As a consequence, chain migration ensues. If legal transit is restricted, potential migrants make appeal to overseas friends and family members to render assistance for illegal transit. One major smuggler admitted that she started out in this way, but soon found herself being approached by an ever-expanding circle of friends. Hence it is to be expected that in human smuggling, people from the local home area are involved. For the last couple of decades, the demand for migration has been particularly strong in the provinces Fujian and Zhejiang. Compared with smugglers from mainland China, people from Hong Kong do not relate to what goes

⁵ A well-known Hong Kong based Triad (see, e.g. [46]).

on in mainland China, speak a different dialect, and do not have extensive family and clan ties.⁶

Geographical factors could possibly also explain the lack of Triadic involvement in human smuggling. One should remember that Hong Kong has more of a 'Triad' history than does mainland China. Triadic organizations (whatever their make-up) in the Netherlands are often linked to the 14-K from Hong Kong or the Ah Kong from Singapore [12]. Yet in the smuggling cases, these two nationalities constitute only a minority. Triads would probably have a hard time tapping into the human smuggling market, because most migrants originate from Fujian and Zhejiang, not Hong Kong or Singapore [50]. Besides, even if Triads operate overseas, their involvement is traditionally associated with the heroin business. On the other hand, a shift from heroin to synthetic drugs is not inconceivable, even more so if one considers that essential precursors are exclusively produced in mainland China and shipped through Hong Kong.

The versatility of synthetic drug smugglers—compared to human smugglers—finds its likely explanation in the actual carrying out of the criminal processes. The human smuggling business can be characterized as a labor-intensive industry, particularly when journeys take months to complete. The police files show that the migrants were stashed in safehouses waiting while the smuggler tried to fix the next leg of the journey. When the smuggler endured a series of setbacks (e.g. problems with finding a driver or fixing a passport), the waiting could stretch from weeks to months. In the meantime, migrants needed food, shelter, basic hygiene, and so forth. Some smuggling methods relied on deceiving border guards. In such cases, migrants were trained to take on a fake identity, including background story, or even to speak a couple of foreign words. Furthermore, the smuggler had to make sure these people were watched. The migrants had to be kept in check (particularly when they had already been waiting for a long period and became restless), otherwise the neighbors might suspect something. Smugglers also had to make sure they did not run away before expenses had been met. Particularly when there were more than 10 potential migrants in one batch, it became important for the human smuggler to have reliable helpers on hand. Conversely, synthetic drug traffickers appear to have an easier job. Once a shipment is en route, there is nothing much to do but wait. Because shipment by sea can take weeks or months, this frees up time to develop other criminal projects.

The importance of women acting as organizers in the human smuggling market is certainly not a Dutch aberration. For instance, the 1993 Golden Venture incident in the US was allegedly carried out by a woman arrested in 2000 [27]. Some researchers point out that in migrant communities human smuggling is generally not considered to be a very serious crime, and therefore has a low social stigma attached to it [51]. Human smuggling enables people to bring over family members who would otherwise have been left in their home countries. At the same time, it presents a good opportunity to make some money. Furthermore, women are considered less

⁶ People in different parts of China may show different opinions on illegal migration, based on different levels of economic development. Note that people from Hong Kong also do not feel the urge to migrate illegally. The economy is on par with Western countries and provides ample job opportunities. This is a completely different situation from the 1950s. Dutch archives show that at that time people from Hong Kong arrived illegally with the help of their compatriots. See also Soudijn [39].

threatening than males and thus have a head start in building up a good reputation in the human smuggling business. Nevertheless, the Dutch files indicate that one would be mistaken in choosing a smuggling organization under female management on this basis. Some of the worst maltreatment of migrants occurred in female-led organizations. Zhang and Chin also hypothesized that in more traditional crime markets, such as heroin, the importance of women would be insignificant [50]. Compared with human smuggling, it would have more of a social stigma attached and violence would be a greater risk. However, the data from the Dutch files show that this has not prevented some Chinese women from playing an important role in the synthetic drugs market. This certainly calls for further explanation that goes beyond gender-based theories, and thus further empirical research.

The different patterns of collaboration between ethnic Chinese and ethnic Dutchmen can also be explained by highlighting their actual function. The human smugglers themselves often lack the skills and knowledge to keep large-scale transportation 'in house'. Hence they have to rely on outsiders with the knowledge to obtain a lorry and (fake) cargo and with the necessary skills and papers to drive the lorry. Similarly, for the Dutch producers of synthetic drugs, some chemicals are hard to come by, particularly the high-quality, Chinese PMK and BMK. However, the language barrier would make it very difficult for non-Chinese to negotiate in the murky waters of the Chinese chemical industry. Dutch producers therefore have to rely on outsiders to obtain their much needed illicit precursors. Conversely, Dutch producers of ecstasy pills are well-known for the high quality (and quantity) of their products.⁷ It is therefore beneficial to Chinese traffickers to obtain it relatively cheaply directly from the source in the Netherlands. Hence, the relationship between Chinese and Dutch synthetic-drug producers is rather symbiotic. Conversely, this level of mutual partnership could not be observed in the human smuggling cases. People of non-Chinese ethnic background operated almost exclusively in the role of transporter. On the one hand, this made them valuable resources and they were paid handsome amounts of money (€1,000 per smuggled person). On the other hand, they were dispensable, and ran great risk of getting caught in the act. The less a Dutch lorry driver knew about his contacts, the better chance of survival a smuggling operation had. Because Chinese smugglers could always find a replacement, they prudently kept their distance.

This study also shows a difference between the organizational structure of human smuggling groups and synthetic drug smugglers. Human smugglers acted in fixed groups, and synthetic drug smugglers could be described as belonging to loose networks. This difference can be explained by the axiom 'form follows function'. First of all, we take a look at human smuggling in the Netherlands. The data shows that large-scale smugglers in the Netherlands concentrated on a particular leg of the smuggling journey. Consider an illegal journey that leads from Fujian to the UK. If a direct flight is out of the question, the journey goes through several countries. Such a journey often leads from China to Moscow, through the Czech Republic, Germany, and the Netherlands, before arriving in the UK. In this scenario, the smugglers in the

⁷ For years, ecstasy pills produced in China could not reach the quality level of the Dutch ones. Interviews with drug experts attribute this discrepancy to years of experience and the chemical sophistication of the Dutch producers.

Netherlands take care of the Channel crossing, an important bottleneck. As noted before, when a human smuggler is successful, he will see his business grow by word of mouth. As one smuggler explained to an investigating officer, he did not need recruiters. Potential migrants would flock to him because of his good reputation. More importantly, the smuggler in the Netherlands also receives a lot of business from *other* smugglers abroad. The result is a continuous process of handling the requests of individual clients and receiving smaller or larger groups of illegal migrants from other smugglers abroad. The phone literally never stops ringing. To handle these continuous flows, the large-scale human smuggler needs a reliable crew to take care of matters, and over time fixed routes develop. In these conditions, the formation of a coherent smuggling group makes more sense than having a loose network of individuals who form ‘temporary business alliances’ [49].

These fixed routes, and the continuous process of dealing with migrants, contrast with findings from other studies. Human smuggling was described as a business without territory, a business which mostly involved once-off transactions [51]. Nevertheless, in a transit country such as the Netherlands this seems not to be true. A side effect is that, because of the existence of fixed routes and continuity, traditional organized crime groups can and sometimes do levy ‘taxes’, as was shown in section 6.⁸ Furthermore, the portrayal of criminal partnerships as loose networks nowadays all too easily disregards the fact that the relationships between criminal individuals can be relatively stable. Family or ethnic bonds can be seen as affective relations, which will ensure cohesion [7]. These bonds do not indicate flexibility and fluidity but durability and consistency. Even more so, when outsiders prove to be reliable, common sense will dictate they too will be used more than once.

Still, this observation does not constitute a call for the return of Cressey-like hierarchical organizations. When the human smuggling groups are placed in an international setting, instead of a local focus, the network theme becomes more prominent. Similarly to the situation in the Netherlands, where several different smuggling groups could be identified, the files show that there are different organizers with several people working for them in the Czech Republic, France, the UK, China, and so forth. This is an important finding, because it shows that the smuggling group in the Netherlands worked for different organizers in China or elsewhere at the same time. The Dutch group is therefore not linked to one specific organizer in China, for instance, but offers its services to different parties. The result is a complex stream of migrants. In other words, the smuggling groups act autonomously, but it is their mutual cooperation that leads to the establishment of smuggling routes. Although human smuggling groups are quite cohesive at a local level, the term ‘temporary business alliances’ is an appropriate description when the whole smuggling route is taken into account.

Remarkably, the whole organizational make-up of synthetic drug smuggling could be explained as the reverse. From the Dutch perspective, the Chinese individuals involved in the synthetic drugs market display all the characteristics of a loose network that makes use of temporary business arrangements. A couple of people worked together in one criminal project, yet on an individual level, they could be

⁸ This kind of extortion is not restricted to Chinese human smugglers. An Albanian group, for example, extorted dues from any human smuggler who wanted to make use of a certain harbor [40].

separately involved in different, other criminal projects, with different collaborators. However, if we look at our data rigorously, loose synthetic drugs smuggling networks may contain hints of some form of central coordination that are linked to bottlenecks. Whereas the human smuggling market is relatively easy to enter, precursors originate from a single, geographically constrained source, i.e. Chinese chemical factories. This might create a fertile breeding ground for monopolizing access to these factories, and hence for central control.

In this article, we tried to escape the 'lock-in effect' of ethnic generalizations that dominate the media accounts and much of the literature on ethnic organized crime. We suggested that one should not put ethnicity first, but rather social relations and situational context. At the same time, this approach does not reject ethnicity as an explaining factor, but tries to place this factor in a situational perspective. Applying this perspective to different criminal activities and different ethnic groups makes us aware of interesting similarities and differences that go beyond ethnicity. Hence, we agree with Albanese [2] that ethnicity is perhaps the most common of all categorizations of organized crime, although it might be the most misleading.

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